REMARKS

This Amendment is intended to fully respond to the Non-Final Office Action mailed on February 4, 2009 [hereinafter "Office Action"]. In that Office Action, claims 1, 21-26, and 28-32 were rejected under 37 USC § 101. Claims 1, 3-10, 12-32 and 34-38 were rejected under 35 USC § 102(e) as being anticipated by Noel Abela, Publication No. US 2003/0177356 A1 (hereinafter referred to as "Abela").

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1, and 28 have been amended, claims 10-20 and 38 were cancelled, and claims 39-49 were added. Therefore, claims 1, 3-9, and 28-32, 34-37, and 39-49 remain present for examination.

Claim Rejections – 35 U.S.C. § 101

Claims 1, 21-26, and 28-32 and were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 21-26 were cancelled in the previous response. In response to this rejection claim 1 has been amended to recite <u>one or more processing units;</u> and <u>at least one memory including instructions that, when executed by the one or more processors, create a system comprising</u>. Also, Applicant has amended claim 28 to recite <u>a computer-implemented method for identifying a first principal authenticated to perform a digital action within a computing environment including at least a first computer system, the method comprising</u>. In support of these amendments, the specification states:

> "In its most basic configuration system includes at least one processing unit and
> memory."

(Spec., para. [0032]). Also, Applicant added claim 39 which recites <u>a computer storage medium encoding computer readable instructions that when executed perform a method for identifying a first principal authenticated to perform a digital action within a computing environment, the method</u>. In support of this new claim, the specification states:

"Computer storage media includes volatile and non volatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules or other data. Memory, removable storage and non-removable storage are all examples of computer storage media."

(Spec., para. [0034]). The embodiment recited in the amended claim is encoded in tangible, computer-readable media and is, thus, patentable subject matter under 35 U.S.C. § 101. *In re Beauregard*, 53 F.3d 1583, 1584 (Fed. Cir. 1995). In light of these amendment, Applicants respectfully request that the Examiner reconsider claims 1, and 28-32, and withdraw the rejection at Examiner's earliest convenience.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1, 28-32 and 34-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Abela. Applicants respectfully traverse the § 102(e) rejections because either the Examiner has failed to state a prima facie case of anticipation or the current amendments to the claims now render the Examiner's arguments moot. Indeed, a *prima facie* case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2136. Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference").

As stated in the Applicant's Supplemental Amendment submitted on November 5, 2008 and in previous amendments Abela fails to teach or suggest the recited elements of the independent claims. The Office Action again relies on the same portion of Abela in rejecting features of the independent claims without responding the Applicant's previous arguments. The Applicant respectfully repeat these arguments in addition to new arguments to distinguish the claims from the teaching of Abela.

Abela discloses a method and system for providing a trusted universal identification over a global communication network. Abela uses Universal Identification (uID) servers in each country to connect official databases (e.g., government databases) to the Internet. *See Abela paras. 0065-0072.* This permits users to check identification claims of other users through a query of the official information kept by each user's home country. *See id. para. 0056.* Each user is provided a uID that begins with the user's country code. *See id. para. 0062.* Another user can use the uID to authenticate any user who is requesting a service. *See id. para. 0056.*

For example, Abela teaches and suggests a uID which facilitates logging into various access or identity restricted websites located on the Internet (e.g., "Hotmail", "Yahoo", or "Netscape" mail). *See id. para. 0091.* Abela specifically teaches a way of providing a single identification to a uID user which the uID user may pass to a website in order to access the website. Abela states,

> A "uID user" is anyone making use of uID services or utilities and who is authenticated by his, her, or its uID identifier and digital secret/s or signatures. In this case, a uID compliant web server, and its users are all considered "uID users". The delivery of any uID service or transaction involves at least two uID users. To distinguish between them, we shall refer to user system 403 as the "enquired" uID user and web server system 404 as the "enquirer" uID user, since it is server 404 who is enquiring about user 403. A combination of a uID identifier 405 and a digital signature 411 is used to authenticate enquired 403 while a combination of a uID identifier 407 and a digital signature 412 is used to authenticate enquirer 404.

See id. As previously mentioned, the uID's are managed and granted by nations. *See id. paras. 0065-0072.* In this sense, it is illustrative to think of Abela as teaching a system for distributing electronic "passports" to web users. Users can show these "passports" to be granted entry into a website rather than having to prove an identity for each website the user desires to access (i.e., the user maintains a different login and password for each website he or she visits). The uID's taught in Abela are identification cards specifically associated with a user, and not a resource.

Claim 1

Independent claim 1 requires, at least,

a plurality of principal objects, wherein each principal object corresponds to a specific principal authenticated to perform a digital action within the computing environment and wherein each principal object is operable for use by a computer process within the computing environment to associate a plurality of resource objects with the specific principal corresponding to the principal object;

a plurality of identity claims, wherein each identity claim uniquely identifies the specific principal corresponding to each specific principal object, and wherein at least one of the plurality of principal objects comprises two or more identity claims each uniquely identifying the specific principal corresponding to the at least one principal object; and

a plurality of identity references, wherein each of the plurality of identity references comprise at least part of one of the resource objects within the computing environment, and wherein each of the plurality of identity references identifies its associated resource object as being associated with a specific principal based on a link assertion within the identity reference to a specific identity claim.

However, it is unclear from the Office Action what parts of Abela are allegedly mapped to these elements. For example, the Office Action appears to equate the individual or groups, country, or organization recited in paragraph [0107] to the plurality of principal objects. Applicants respectfully disagree. The recited principal objects are not individuals, groups, countries, or organizations. (*See* Office Action, p. 4). Rather, the principal objects are operable for use by a computer process within the computing environment to associate a plurality of resource objects with the specific principal corresponding to the principal object. (*See, e.g.*, Specification page 13, ll. 15-18, stating "After the appropriate principal object 110, and thus, the corresponding identity claim 134, is instantiated, methods on the resource object 104 call methods on the principal object 110 that associate the resource to the principal corresponding to the principal object 110.") At best, the Office Action's reliance upon the individual or groups, country, or organization taught in Abela may relate to the recited specific principal. (*See, e.g.*, Specification page 4, ll. 19-20, stating "a principal is any individual, group of individuals or computer module that performs some action in a computing environment.") Nevertheless, even

if Abela teaches the specific principal, the Office Action does not specify how Abela teaches principal objects that are operable for use by a computer process within the computing environment to associate a plurality of resource objects with the specific principal corresponding to the principal object.

Independent claim 1 also requires a resource object. The Office Action is unclear as to what portion of Abela teaches the recited resource object. The Office Action relies on paragraph [0074], stating "every individual, organization, or other entity member is represented by a single record in the Unique ID hosted by his or her or its country of origin." (Office Action, p. 4). The record in the Unique ID is not a resource object as recited in claim 1. Furthermore, the resource objects are associated with the specific principal corresponding to the principal object. The Office Action appears to be stating that principals are represented by a single ID. This falls short of teaching resource objects that are associated with the specific principal corresponding to the principal object. It is unclear as to what the Office Action is specifically asserting as the resource object, although it appears that the Office Action is suggesting that user-requested web page in Abela is a "resource."

Claim 1 also recites identity claims. (*See, e.g.,* Specification, p. 6, ll. 14-16, stating, "Exemplary assertions that may be used to form an identity claim 134 include, but are not limited to, email addresses, telephone numbers (both landline and mobile), credit card account numbers, social security numbers, driver's license numbers, etc.") The Office Action does not rely on Abela as teaching identity claims, instead alleging that "it is inherent because every identity claims have to have a uniquely identifies, for example everyone have to have a SSN cited in specification page.1". Applicants respectfully disagree. As recited in claim 1, each identity claim uniquely identifies the specific principal corresponding to each specific principal object, and wherein at least one of the plurality of principal objects comprises two or more identity claims each uniquely identifying the specific principal corresponding to the at least one principal object. It is unclear from the Office Action how this element is allegedly met by Abela.

Finally, claim 1 recites a plurality of identity references. Again, the Office Action relies upon paragraph [0074] of Abela equating "every individual, organization, or other entity member is represented by a single record in the Unique ID hosted by his or her or its country of origin" to

the plurality of identity references. Again, Applicants respectfully disagree with the Office Action. The recited identity references comprise at least part of one of the resource objects within the computing environment, and wherein each of the plurality of identity references identifies its associated resource object as being associated with a specific principal based on a link assertion within the identity reference to a specific identity claim. Abela's single record in the Unique ID cannot possibly represent an identity reference.

For the sake of full discussion and without admitting the appropriateness of any such correlation, the Applicants assume that the Office Action intended to equate the following portions of Abela with the elements of claim 1:

- Abela's UID's as the principal objects;

- Abela's user-requested web page as the resource object; and

- Abela's UID record field set as the identity claims.

Even if these comparisons were accurate, and Applicants do not agree that they are, there are simply no identity references in Abela. Identity references are required to be (a) part of one of the resource objects within the computing environment and (b) include a link assertion . . . to a specific identity claim. By analogy, Abela would need to teach that a portion of an object representing the requested web page includes a reference that links the web page to a specific UID record field. Abela instead teaches an embodiment where the ID process is outsourced to a home server (i.e., the server issuing the Unique ID). Thus, in Abela, the only information that the web page needs to keep track of is a table of home countries and server addresses so it can identify which server to outsource the ID process to upon receiving a request from a user. This does not comprise at least part of one of the resource objects within the computing environment . . . wherein each of the plurality of identity references identifies its associated resource object as being associated with a specific principal based on a link assertion within the identity reference to a specific identity claim.

Claim 28

Abela also fails to disclose all of the elements of amended claim 28. Claim 28 also recites a <u>principal object</u>, <u>an identity claim</u>, <u>resource objects</u>, and <u>identity references</u> and is allowable for at least the same reasons as set forth above with respect to claim 1. Furthermore, claim 28 recites (*inter alia*):

> creating a phantom principal object in response to receiving a resource object having a identity reference comprising a declaration that does not link the resource object to the principal object, wherein the principal object does not include a specified identity claim that links to the identity reference, the declaration comprising an identification string uniquely identifying a second principal within the particular identification scheme, and wherein the phantom principal object is created to include the identification string assigned to the second principal, wherein the resource object is associated wit h the phantom principal object;
>
> saving the phantom principal object to a data store containing the principal object corresponding to the first principal;
>
> receiving a new principal object; and
>
> replacing the phantom principal object with the new principal object.

Abela does not teach or suggest these additional claimed elements. The Office Action alleges that Abela's list of personal contacts teaches creating a phantom principal object. Applicants respectfully disagree. Specifically, the phantom principal object is created <u>in response to receiving a resource object having a identity reference comprising a declaration that does not link the resource object to the principal object</u>. The cited portion of Abela, on the other hand, relates to creating a list of contacts that are categorized into the uID. This contact list is not a <u>phantom</u> object. Even if it was a phantom object, the reference does not teach that the contact list is created <u>in response to receiving a resource object having a identity reference comprising a declaration that does not link the resource object to the principal object</u>. For at least these reasons, Abela fails to teach all the features of independent claim 28, and its dependent claims 29-38.

For the forgoing reasons, Abela does not teach all the limitations of independent claims 1, and 28 and therefore cannot anticipate the present embodiments as claimed. Independent claims 1 and 28 are allowable over the cited references and should be allowed. All other claims, *i.e.*, claims 3-9, 29-32 and 34-37 depend from the allowable independent claims and are, thus, also allowable over the references of record for at least the same reasons noted above. Therefore, Applicants respectfully request that the Examiner issue a notice of allowance, for all claims, at her earliest convenience.

Claim 39

New independent claim 39 has been added. For at least similar reasons stated above with respect to claims 1 and 28, Abela fails to teach or suggest all the elements of claim 39, and its dependent claims 40-48.

Conclusion

This Amendment fully responds to the Office Action mailed on February 4, 2008. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional
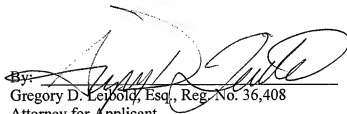
issues need to be resolved, the Examiner is respectfully requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
303-357-1642

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PATENT TRADEMARK OFFICE

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By:

Gregory D. Leibold, Esq., Reg. No. 36,408
Attorney for Applicant